

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/669,824)
In re application of: JIANG, Cai-Zhong *et al.*)
Filed: September 23, 2003)
Art Unit: 1638)
Examiner: KRUSE, David H.)
Docket No. MBI-0034-CIP)
Customer No. 47334)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131 OF CAI-ZHONG JIANG

I, Cai-Zhong Jiang, declare:

1. I received my Ph.D. from Tokyo University of Agriculture and Technology, Japan, and I did my postdoctoral training in the Department of Botany, Iowa State University, Ames, IA and in University of California, Davis, CA. I served at Mendel Biotechnology, Inc. as a senior scientist and group leader of molecular biology between 1997 and 2003. In this declaration, I serve as an expert witness in that my work has involved the isolation and characterization of mutants in genes regulating important polygenic traits related to developmental biology, as well as in biotic or abiotic stress responses in plants. I am also a named inventor of the present application, therefore, I am familiar with the instant invention. As compensation for employment at Mendel Biotechnology, Inc., I received salary, benefits and stock options.

2. On March 23, 1999, I completed sequencing the G1067 polynucleotide in two clones from Mendel Biotechnology's in-house clone collection. From these clones, I identified the G1067 polynucleotide sequence and predicted the sequence of the G1067 polypeptide. I chose the G1067 polynucleotide sequence for overexpression analysis in preparation for transformation into plants for further morphological and physiological studies. The G1067 polypeptide sequence is provided as SEQ ID NO:4 in the present application.

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3. I was aware that Andrew Mason at Mendel Biotechnology Inc. transformed the expression construct comprising G1067 polynucleotide that encode SEQ ID NO:4 into plants on 6/24/1999.
4. I hereby declare that all statements made herein are true and that they are based on my own knowledge, information and belief. These statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued from it.

Date:

5/21/09



Cai-Zhong Jiang, Ph.D.

CZJ/ym

declaration by Cai-zhong.doc